

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: TIMOTHY J. JEGLA

Application No.: 09/548,933

Filed: April 13, 2000

For: HUMAN HAC 3

ICAgan, Incorporated, a corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is assignee of the patent application identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame(s) \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
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3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
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Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

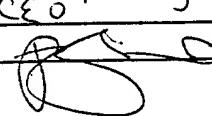
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : 8/24/00

Name : P. KAN WAGNER

Title : CEO

Signature: 

ASSIGNMENT OF PATENT APPLICATION

SOLE

WHEREAS, Timothy J. Jegla, of 5315 Revere Road, Durham, North Carolina 27713, hereinafter referred to as "Assignor," is the inventor of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: HUMAN HAC3

Date of execution of Declaration: \_\_\_\_\_

Filing Date: April 13, 2000

Application No.: 09/548,933; and

WHEREAS, ICAgen, Incorporated a Delaware corporation located at 4222 Emperor Boulevard, Suite 460, Durham, North Carolina 27703 hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

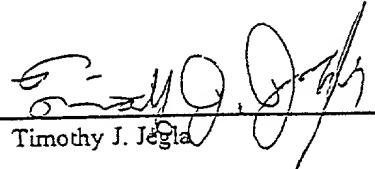
NOT FOR RECORDATION

Assignment  
Application No.: 09/548,933  
Page 2

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: 8/4/00

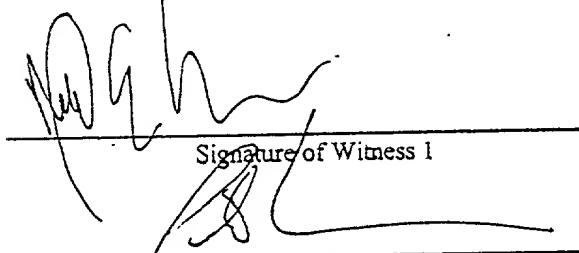
\_\_\_\_\_  
Timothy J. Jegla

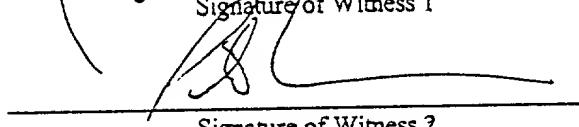


SIGNATURE WITNESSED BY:

(1) Date: 8/4/00

(2) Date: 8/4/00

  
\_\_\_\_\_  
Signature of Witness 1

  
\_\_\_\_\_  
Signature of Witness 2

SF 1120216 v1



TOWNSEND & TOWNSEND  
& CREW

NOVEMBER 29, 2000

00 DEC 11 AM 9:07 PTAS

TOWNSEND AND TOWNSEND AND CREW LLP  
ANNETTE S. PARENT RESERVE D  
TWO EMBARCADERO CENTER, 8TH FLOOR  
SAN FRANCISCO, CALIFORNIA 94111-3834

018512-002210US

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER

OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

A SPARENT



\*101482558A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/29/2000

REEL/FRAME: 011132/0110  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

JEGLA, TIMOTHY J.

DOC DATE: 08/04/2000

ASSIGNEE:

ICAGEN, INCORPORATED  
4222 EMPEROR BOULEVARD, SUITE 460  
DURHAM, NORTH CAROLINA 27703

SERIAL NUMBER: 09548933

FILING DATE: 04/13/2000

PATENT NUMBER:

ISSUE DATE:

MARCUS KIRK, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

10-11-2000

cket No.: 018512-002210US

FORM PTO-1595  
(Rev. 6-93)

mro 8/29/00

To the Honorable Asst. Commissioner for Patents.

101482558

U.S. Department of Commerce  
Patent and Trademark Office

1. Name of conveying party(ies):  Timothy J. Jegla		2. Name and address of receiving party(ies)  Name: ICAgen, Incorporated Internal Address: Street Address: 4222 Emperor Boulevard, Suite 460 City: Durham      State: North Carolina      ZIP: 27703
Additional name(s) of conveying parties attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No.		Additional names and addresses attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other:  Execution Date: August 4 2000		AUG 29 2000

## 4. Application Number(s) or Patent Numbers.

If this document is being filed together with a new application, the execution date of the application is: N/A

A. Patent Application No(s): 09/548,933

B. Patent No(s):

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  Name: Annette S. Parent, Esq. TOWNSEND AND TOWNSEND AND CREW LLP Two Embarcadero Center, 8 <sup>th</sup> Floor San Francisco, California 94111-3834 (415) 576-0200	6. Total number of applications and patents involved: ONE  7. Total fee (37 CFR 3.41): ----- \$40.00  <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Charge Fees to Deposit Account  <input checked="" type="checkbox"/> Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.  8. Deposit account number: 20-1430
---	--

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.*

Annette S. Parent  
Name of Person Signing

Atty Reg. No. 42,058

Signature

8/25/00

Date

Total number of pages including cover sheet, attachments and document 3

10. Change Correspondence Address to that of Part 5?  Yes  No

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover to:

10/06/2000 MTHAI1 00000165 201430 09548933

01 FC:581

40.00 CH

Asst. Commissioner for Patents  
Box: Assignments  
Washington, D.C. 20231

**ASSIGNMENT OF PATENT APPLICATION**

**SOLE**

WHEREAS, Timothy J. Jegla, of 5315 Revere Road, Durham, North Carolina 27713, hereinafter referred to as "Assignor," is the inventor of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: HUMAN HAC3  
Date of execution of Declaration: \_\_\_\_\_  
Filing Date: April 13, 2000  
Application No.: 09/548,933; and

WHEREAS, ICAgen, Incorporated a Delaware corporation located at 4222 Emperor Boulevard, Suite 460, Durham, North Carolina 27703 hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignment  
Application No.: 09/548,933  
Page 2

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: 8/4/00

\_\_\_\_\_  
Timothy J. Jegla

SIGNATURE WITNESSED BY:

(1) Date: 8/4/00

\_\_\_\_\_  
Signature of Witness 1

(2) Date: 8/4/00

\_\_\_\_\_  
Signature of Witness 2

SF 1120216 v1

## DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: HUMAN HAC3 the specification of which \_\_\_\_\_ is attached hereto or X was filed on April 13, 2000 as Application No. 09/548,933 and was amended on \_\_\_\_\_ (if applicable).

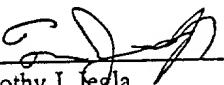
I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/129,456	04/15/99

Full Name of Inventor 1:	Last Name: <b>JEGLA</b>	First Name: <b>TIMOTHY</b>	Middle Name or Initial: <b>J.</b>	
Residence & Citizenship:	City: <b>Durham</b>	State/Foreign Country: <b>North Carolina</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>5315 Revere Road</b>	City: <b>Durham</b>	State/Country: <b>North Carolina</b>	Postal Code: <b>27713</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so - made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1

Timothy J. Jegla
Date 8/14/00

POWER OF ATTORNEY BY ASSIGNEE

ICAgan, Incorporated is the Assignee of the invention entitled: HUMAN HAC3, the specification of which \_\_ is attached hereto or X was filed on April 13, 2000 as Application Serial No. 09/548,933.

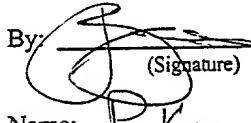
Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Annette S. Parent, Reg. No. 42,058  
Kenneth A. Weber, Reg. No. 31,677  
William B. Kezer, Reg. No. 37,369  
Jeffry S. Mann, Reg. No. 42,837  
Peter J. Follette, Reg. No. P-46,213

Send Correspondence to:	Direct Telephone Calls to:
Annette S. Parent, Esq. TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8 <sup>th</sup> Floor San Francisco, CA 94111-3834	Annette S. Parent, Esq. Reg. No. 42,058 (415) 576-0200

ICAgan, Incorporated

Date: 8/24/00

By:   
(Signature)  
Name: PKay Wagner  
Title: CEO

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patentee: TIMOTHY J. JEGLA

Application or Patent No.: 09/548,933

Filed or Issued: April 13, 2000

Title: HUMAN HAC3

I hereby declare that I am:



the owner of the small business concern identified below:  
an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: ICAgan, Incorporated

Address of Small Business Concern: 4222 Emperor Boulevard, Suite 460, Durham, North Carolina 27703

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled HUMAN HAC3 by inventor Timothy J. Jegla described in:



the specification filed herewith.  
Application No. 09/548,933, filed April 13, 2000.  
Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name  
Address

\_\_\_\_\_

Individual     Small Business Concern     Nonprofit Organization

Name  
Address

\_\_\_\_\_

Individual     Small Business Concern     Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: P. Kay WAGNER  
Title of Person if Other than Owner: CEO  
Address of Person Signing: 1001 Monterey Valley Dr. Chapel Hill NC 27516

Signature [Signature]

Date 8/24/00